

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ARISTA RECORDS LLC, ATLANTIC  
RECORDING CORPORATION, CAPITOL  
RECORDS, LLC, ELEKTRA ENTERTAINMENT  
GROUP INC., LAFACE RECORDS LLC, SONY  
MUSIC ENTERTAINMENT, UMG RECORDINGS,  
INC., WARNER BROS. RECORDS INC.,  
WARNER MUSIC GROUP CORP., and  
ZOMBA RECORDING LLC,

*Plaintiffs,*

v.

VITA TKACH, and DOES 1-10, D/B/A  
GROOVESHARK.IO AND GROOVESHARK.PW

*Defendants.*

15-CV-3701 (AJN)

**DECLARATION OF GIANNI  
P. SERVODIDIO IN SUPPORT  
OF PLAINTIFFS' REQUEST  
FOR A CERTIFICATE OF  
DEFAULT**

I, Gianni P. Servodidio, declare as follows:

1. I am a member in good standing of the Bar of this Court and a lawyer with the law firm of Jenner & Block LLP, attorneys for Plaintiffs in the above-captioned action. The statements made in this declaration are based upon my personal knowledge or upon information provided to me by personnel working under my supervision that I believe to be correct.

2. I make this declaration pursuant to Rule 55.1 of the Civil Rules of the United States District Court for the Southern District of New York, in support of Plaintiffs' request for a Certificate of Default. If called to testify as a witness, I would testify as follows:

3. Jurisdiction of the subject matter is based on 28 U.S.C. §§ 1331 and 1338(a), 15 U.S.C. §§ 1116 and 1121, and 17 U.S.C. § 502.

4. This action was commenced on May 12, 2015 with the filing of a Summons and

Complaint. Attached hereto as Exhibit A is a true and correct copy of the Summons and Complaint.

5. On May 15, 2015, Defendants were served with the Summons and Complaint by electronic mail at the following email addresses: [thenewgrooveshark@gmail.com](mailto:thenewgrooveshark@gmail.com) and [2af208056fad4d97a638f8637d56fc65.protect@whoisguard.com](mailto:2af208056fad4d97a638f8637d56fc65.protect@whoisguard.com).

6. On May 21, 2015, proof of service of the Summons and Complaint was filed with this Court. *See* ECF No. 34, ¶ 11.

7. On May 21, 2015, this Court informed the parties that if Defendants failed to submit answering papers by May 29, 2015, or otherwise failed to indicate a willingness to participate in the litigation, the Court would grant Plaintiffs' request for a preliminary injunction (the "May 21 Order"). *See* ECF. No. 33.

8. That same day, the Court's May 21 Order was served upon Defendants. *See* ECF No. 41, ¶ 2.

9. To date, Defendants have failed to submit any answering papers. Defendants are, therefore, in default by more than 4 months.

10. Defendants are not minors, mentally incompetent, nor has there been any indication or reason to believe that they are in the military service of the United States of America.

11. Attached hereto as Exhibit B is a copy of the proposed Certificate of Default.

**WHEREFORE**, Plaintiffs respectfully request the issuance of a Certificate of Default.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed: October 26, 2015  
New York, New York



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